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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,469	09/11/2003	Thomas E. Sawyer	026066-00006	6832
4372	7590	12/15/2004	EXAMINER	
ARENT FOX KINTNER PLOTKIN & KAHN 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,469	SAWYER, THOMAS E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kim Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) 28 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-27 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

Examiner acknowledges receipt of amendment on 9/13/04. In response to the restriction requirement, applicant has elected Species 1 for examination purposes. Claims 1-27 will be considered, and claim 28 is withdrawn from consideration. Applicant should cancel non-elected claims in the response to this office action.

### *Claim Objections*

1. Claims 15-16 and 26 are objected to because of the following informalities:
  - a) In claim 15, lines 10, 13, and 15; claim 16, lines 16, 19, and 21; and claim 26, lines 16, 19, and 21, the claimed limitation “representations” should be corrected to “the representation”.
  - b) In claim 16, lines 19 and 21; and claim 26, lines 19 and 21, the claimed limitation “four royal cards” should be corrected to “the four loyal cards”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-8 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuta et al (US 2003/0094761).

- a. As per claim 1-2 and 4, Furuta discloses a method for playing a card game. The method comprises receiving a selection indicating whether to participate in the auxiliary play from a player, dealing a card to each of the player (paragraphs 0009 and 0022); determining whether the player was dealt four royal cards of the same suit (paragraphs 0036 and 0039); awarding a bonus prize to the player (paragraph 0035). Furuta does not disclose awarding the player only when the player was dealt four loyal cards. However, Furuta discloses awarding the player when the hand of the player meet one of a plurality of royalty bet configuration, further, the royalty bet configuration includes the four loyal cards of the same suit (paragraphs 0036 and 0039). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to award the player only when there is four loyal cards of the same suit in the game of Furuta, since excluding other configurations for award and selecting a specific configuration for award would have been obvious design choice and would require only routine skill in the art.
- b. As per claim 3, using the standard rules of poker as rules for a card game would have been well known to a person of ordinary skill in the art at the time the invention was made.
- c. As per claim 5, Furuta discloses receiving a second ante (Royalty bet) from the player (paragraph 0022).
- d. As per claim 6-7, Furuta discloses receiving a play bet (paragraph 0028).
- e. As per claim 8, Furuta discloses taking an ante from the player if the player selects not to wager (paragraph 0027). Further, taking further antes would have been both well-known and obvious design choice.
- f. As per claim 15, refer to discussion in claim 1 above.

- g. As per claim 16-18, refer to discussion in claim 1 above. Further, since Furuta discloses allowing the player to interactively play the card game on a network video game machine (paragraph 0052), and since implementing an input device, a processor, and a display in a video game machine for interactive play on the game machine would have been well known, Furuta obviously include the claimed input device, processor, and display.
- h. As per claim 19-25, implementing a server such as personal computer, mainframe computer, etc. on the network such as internet or intranet network, coupling gaming machines such as personal computer, PDA, etc. via wire or wireless connection would have been well known.
- i. As per claim 26, refer to discussion in claims 1 and 16 above.
- j. As per claim 27, implementing a card game on a slot machine would have been well known.

4. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuta et al (US 2003/0094761) in view of Guidi (US 5,839,732).
  - a. As per claim 9, Furuta does not explicitly disclose allowing the player to wager in a plurality rounds. However, Guidi discloses allowing the player to wager in a plurality rounds (col. 6, lines 18-24). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a plurality of rounds as taught by Guidi in the game of Furuta in order to allow the player to continue playing the game in different stages.
  - b. As per claim 10, Guidi discloses receiving a second play bet (col. 6, lines 31-33).

c. As per claim 11, Guidi discloses taking a first ante and a first play bet if the player selects not to wager in the second round (col. 6, lines 27-29). Further, refer to discussion in claim 8 concerning taking a second ante.

d. As per claim 12-14, Guidi discloses dealing two cards down and one card up (box 62 in Fig. 2) (col. 5, lines 58-63); then dealing one card up (box 66 in Fig. 2) (col. 6, lines 16-18); then one card to each player (box 70 in Fig. 2) (col. 6, lines 38-40).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET. The central official fax number is (703) 872-9306.



Kim Nguyen  
Primary Examiner  
Art Unit 3713

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Date: December 7, 2004